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Attorneys for Plaintiff
 TRANSBAY AUTO SERVICE, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

TRANSBAY AUTO SERVICE, INC., a
 California corporation,

 Plaintiff,

 vs.

 CHEVRON CORPORATION, a Delaware
 corporation, CHEVRON U.S.A. INC., a
 Delaware corporation, and DOES 1 through
 10, Inclusive,

 Defendants.

Case No. CV 09-4932 SI

**STIPULATION, DECLARATION OF
 ROBERT C. PHELPS, AND
 PROPOSED ORDER REGARDING
 CASE MANAGEMENT CONFERENCE
 DATE**

Trial Date: June 20, 2011
 Time: 9:00 a.m.
 Courtroom: 10, 19th Floor
 Judge: Hon. Susan Illston

This matter is currently set for a Case Management Conference on August 5, 2011, at
 3:00 p.m.. By this Stipulation and Proposed Order, and for the reasons set forth in the
 Declaration of Robert C. Phelps, submitted herewith, defendant CHEVRON U.S.A. INC.

1 ("Chevron") requests that the Case Management Conference be continued (or advanced) to a new
2 date convenient to the Court. Counsel for plaintiff does not object to this request. The parties
3 have inquired of the Court's staff and have been advised that the Court would be able to hear this
4 matter on September 2, 2011, at 3:00 p.m. That date and time is acceptable to both parties,
5 provided telephonic appearances will be accepted.

6 Dated: July 21, 2011

7 GLYNN & FINLEY, LLP
8 ROBERT C. PHELPS

9 By /s/ Robert C. Phelps
10 Robert C. Phelps

11 Attorneys for Defendant
12 Chevron U.S.A. Inc.

13 Dated: July __, 2011

14 BLEAU/FOX A P.L.C.
15 THOMAS P. BLEAU

16 By _____

17 Attorneys for Plaintiff
18 Transbay Auto Service, Inc.

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2 date convenient to the Court. Counsel for plaintiff does not object to this request. The parties
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6 Dated: July __, 2011

7 GLYNN & FINLEY, LLP
8 ROBERT C. PHELPS

9 By _____
10 Robert C. Phelps

11 Attorneys for Defendant
12 Chevron U.S.A. Inc.

13 Dated: July 21, 2011

14 BLEAU/FOX A P.L.C.
15 THOMAS P. BLEAU
16 SAMUEL T. REES

17 By  _____
18 Samuel T. Rees

19 Attorneys for Plaintiff
20 Transbay Auto Service, Inc.

DECLARATION OF ROBERT C. PHELPS

I, ROBERT C. PHELPS, hereby state under penalty of perjury as follows:

1. I am an attorney licensed to practice before this Court and all courts of the State of California. I am associated with the law firm of Glynn & Finley LLP, counsel for Defendant Chevron U.S.A. Inc. ("Chevron") in this matter. I have personal knowledge of the matters set forth herein and submit this declaration in support of Chevron's request to change the date set for the further Case Management Conference in this matter.

2. The Court will recall that this Case Management Conference was set following the mistrial caused by my medical emergency, incapacitation and emergency abdominal surgery on June 20-21, 2011. I was hospitalized and on heavy medication until late in the day on June 23, 2011. I understand that the Court set this hearing date on June 22, 2011, while I was still hospitalized.

3. I have handled all aspects of this case personally since its inception, with the sole exception of the hearings held while I was hospitalized. I conducted all written discovery, took and defended all depositions, wrote and argued all motions, and attended all hearings and conferences in this case (including all settlement conferences) as Chevron's counsel.

4. When the Court set the Case Management Conference for August 5, 2011, counsel who represented Chevron in my absence was unaware of my schedule for early August, 2011.

5. My daughter is entering the Freshman class at Bard College in Annandale-On-Hudson, NY, in August. She is required to be on-campus by August 7, 2011. Her classes start on August 8, 2011 (*see* "Summer 2011" academic calendar at: <http://www.bard.edu/academics/calendar/>).

6. I have long planned to take her to Bard to get her settled in for her first year of school. I have non-refundable airline tickets to take my daughter to college, leaving SFO on August 5, 2011, at 7:06, a.m., on United Flight 620, to New York City. Because of the logistics

1 of getting to Annandale-On-Hudson, NY, in time for my daughter's dorm check-in deadline, it is
2 impractical for us to leave for New York later than the morning of August 5, 2011.

3 7. On July 18, 2011, I met with Dr. Matthew Dixon, M.D., the surgeon at Kaiser
4 Permanente in Oakland, CA, who did my surgery on June 21, 2011. At that meeting, Dr. Dixon
5 cleared me to travel with my daughter to New York City.

6 8. When I realized that the Case Management Conference conflicted with my
7 daughter's college start date, I advised Transbay's counsel, Mr. Rees, of the conflict. Mr. Rees
8 indicated that he did not object to changing the date of the Case Management Conference.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct. Executed this 21st day of July, 2011, in Walnut Creek, California.

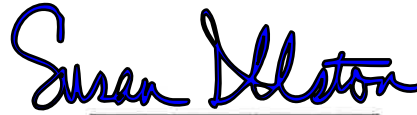
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12 /s/ Robert C. Phelps
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[PROPOSED] ORDER

Based upon the parties' stipulation and for the reasons set forth in the Declaration of Robert C. Phelps, the Case Management Conference in this matter, currently set for August 5, 2011, is hereby rescheduled to 9/2, 2011, at 3 p.m.

IT IS SO ORDERED.

Dated: July 21, 2011.



Hon. Susan Illston
U.S. District Judge